

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

**21 MC 100 (AKH)**

PETER PHALON, Plaintiff

**09 CV 10547**

v.

THE CITY OF NEW YORK, Defendant

**NOTICE OF PLAINTIFFS' MOTION FOR AN ORDER  
"SO ORDERING" A SUBPOENA DUCES TECUM UPON  
THE STATE OF NEW YORK WORKERS' COMPENSATION BOARD**

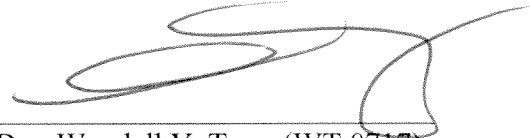
Upon the annexed certification of Wendell Y. Tong, an attorney, dated October 13, 2010 and the exhibits annexed thereto, Plaintiff Peter Phalon will move this Court, the Honorable Alvin K. Hellerstein, United States District Judge, presiding, Room 14D, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007 for a "so ordered" subpoena, pursuant to Rule 45 of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules 2307, compelling the State of New York Workers' Compensation Board to produce records of decision regarding Plaintiff's Workers' Compensation award and all supporting documents, including: medical records, narrative reports, affidavits, notices of award, claims forms, disability

determination, transmittal forms and internal memoranda regarding the Plaintiff Peter Phalon, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 13, 2010

Respectfully submitted,

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.

A handwritten signature in black ink, appearing to read 'Wendell Y. Tong', is written over a horizontal line.

By: Wendell Y. Tong (WT 0717)  
Attorneys for Plaintiff  
Peter Phalon  
120 Broadway  
New York, New York 10271  
(212) 732-9000

**TO:**

Sandra Olson  
Secretary to the Board  
State of New York Workers' Compensation Board  
20 Park Street, Room 410  
Albany, NY 12207

State of New York Workers' Compensation Board  
P.O. Box 5205  
Binghamton, NY 13902

**DEFENDANTS' COUNSEL:**

James Tyrrell, Esq.  
PATTON BOGGS LLP  
The Legal Center  
One Riverfront Plaza  
Newark, NJ 07102  
Telephone: (973) 848-5600

Corporation Counsel of the City of New York  
Attn: Scott Gleason, Esq.  
100 Church Street  
New York, NY 10007  
Telephone: (212) 788-0303

**PLAINTIFFS' CO-LIAISON COUNSEL:**

Paul Napoli, Esq.  
NAPOLI BERN RIPKA & WORBY GRONER EDELMAN  
Empire State Building  
350 Fifth Avenue, Ste. 7413  
New York, NY 10118  
Telephone: (212) 267-3700